

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

Your Committee on **Elections and Apportionment**, to which was referred Senate Bill 312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, line 11, delete "chief executive officer" and insert "**county**
- 2 **executive**".
- 3 Page 3, line 7, delete "chief".
- 4 Page 3, line 7, after "executive" insert ",".
- 5 Page 3, line 7, delete "officer,".
- 6 Page 4, line 24, delete "chief".
- 7 Page 4, line 24, after "executive" insert ",".
- 8 Page 4, line 24, delete "officer,".
- 9 Page 5, line 28, delete "chief".
- 10 Page 5, line 28, after "executive" insert ",".
- 11 Page 5, line 28, delete "officer,".
- 12 Page 6, line 16, delete "chief executive officer" and insert "**county**
- 13 **executive**".
- 14 Page 6, between lines 33 and 34, begin a new paragraph and insert:
- 15 "SECTION 7. IC 36-2-1-2 IS AMENDED TO READ AS
- 16 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) If the resident

1 voters in a specified territory in two (2) or more contiguous counties
2 desire to change the boundaries of their respective counties, they may
3 file a petition with the executives of their respective counties
4 requesting that the territory be transferred. The petition must:

5 (1) be signed by at least the number of voters resident in the
6 territory requested to be transferred required to place a candidate
7 on the ballot under IC 3-8-6-3;

8 (2) contain a clear, distinct description of the requested boundary
9 change; and

10 (3) not propose to decrease the area of any county below four
11 hundred (400) square miles in compliance with Article 15,
12 Section 7 of the Constitution of the State of Indiana.

13 (b) Whenever a petition under subsection (a) is filed with a county
14 executive, the executive shall determine, at its first meeting after the
15 petition is filed:

16 (1) whether the signatures on the petition are genuine; and

17 (2) whether the petition complies with subsection (a).

18 (c) If the determinations under subsection (b) are affirmative, the
19 executive shall certify the question to the county election board of each
20 affected county. The county election boards shall jointly order a special
21 election to be held, scheduling the election so that the election is held
22 on the same date in each county interested in the change, but not later
23 than thirty (30) days and not on the same date as a general election. The
24 election shall be conducted under IC 3-10-8-6. All voters of each
25 interested county are entitled to vote on the question. The question
26 shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and
27 must state "Shall the boundaries of _____ County and
28 _____ County change?".

29 (d) After an election under subsection (c), the clerk of each county
30 shall make a certified copy of the election returns and not later than
31 five (5) days after the election file the copy with the auditor of the
32 county. The auditor shall, not later than five (5) days after the filing of
33 the returns in the auditor's office, make a true and complete copy of the
34 returns, certified under the auditor's hand and seal, and deposit the copy
35 with the auditor of every other county interested in the change.

36 (e) After copies have been filed under subsection (d), the auditor of
37 each county shall call a meeting of the executive of the county, which
38 shall examine the returns. If a majority of the voters of each interested

1 county voted in favor of change, the executive shall:

2 (1) enter an order declaring their boundaries to be changed as

3 described in the petition; and

4 (2) if the county has received territory from the transfer, adopt

5 revised descriptions of:

6 (A) county commissioner districts under IC 36-2-2-4; and

7 (B) county council districts under IC 36-2-3-4;

8 so that the transferred territory is assigned to at least one (1) county

9 commissioner district and at least one (1) county council district. **If**

10 **IC 36-2-3.7 is applicable to a county, the county council shall**

11 **establish the county council districts under IC 36-2-3-4.6.**

12 (f) The executive of each county shall file a copy of the order

13 described in subsection (e)(1) with:

14 (1) the office of the secretary of state; and

15 (2) the circuit court clerk of the county.

16 Except as provided in subsection (g), the transfer of territory becomes

17 effective when the last county order is filed under this subsection.

18 (g) An order declaring county boundaries to be changed may not

19 take effect during the year preceding a year in which a federal

20 decennial census is conducted. An order that would otherwise take

21 effect during the year preceding a year in which a federal decennial

22 census is conducted takes effect January 2 of the year in which a

23 federal decennial census is conducted.

24 (h) An election under this section may be held only once every three

25 (3) years."

26 Page 6, line 42, delete "Local Public Question on County

27 Government" and insert "**Reorganization of County Executive and**

28 **Legislative Structure and Powers**".

29 Page 7, line 1, delete "(a)".

30 Page 7, delete lines 3 through 42, begin a new paragraph and insert:

31 "**Sec. 2. (a) Subject to subsection (b), the county executive may**

32 **adopt an ordinance to reorganize the executive and legislative**

33 **structure and functions of the county as provided in this chapter.**

34 **(b) An ordinance adopted under this section must be adopted**

35 **before July 1 of an even-numbered year.**

36 **Sec. 3. The county executive shall certify the adoption of the**

37 **ordinance to the county election board as provided in IC 3-10-9.**

38 **Sec. 4. The county election board shall place the following public**

1 question on the ballot at the next general election held in the
2 county:

3 "Shall the county government of (insert the name of the
4 county) County be reorganized to place all executive powers
5 in a single elected county executive and to place all legislative
6 powers in the county council?".

7 Sec. 5. IC 3, except where inconsistent with this chapter, applies
8 to a public question placed on the ballot under this chapter.

9 Sec. 6. If a majority of the voters who vote on the public
10 question vote in favor of the public question, the following apply:

11 (1) IC 36-2-2.5 applies to the county instead of IC 36-2-2.

12 (2) The county executive consists of one (1) individual.

13 (3) The county may not subsequently be governed under
14 IC 36-2-2.

15 (4) The county executive described in subdivision (2) shall:

16 (A) be elected at the second general election held after the
17 year the ordinance is adopted; and

18 (B) take office January 1 after the individual's election.

19 (5) The term of office of each member of the county executive
20 elected under IC 36-2-2 is as follows:

21 (A) The term of a member elected at the general election
22 held in the year the public question is approved:

23 (i) is four (4) years; and

24 (ii) expires at the end of the day on December 31 after
25 the election described in subdivision (4).

26 (B) The term of a member elected at the first general
27 election held after the year the public question is
28 approved:

29 (i) is two (2) years; and

30 (ii) expires at the end of the day on December 31 after
31 the election described in subdivision (4).

32 (6) IC 36-2-3.7 applies to the county."

33 Delete pages 8 through 9.

34 Page 10, delete lines 1 through 26.

35 Page 10, line 30, delete "County Chief Executive Officer" and insert
36 "Single Member County Executive".

37 Page 10, line 35, delete ""chief executive officer"" and insert
38 ""county executive"".

- 1 Page 10, line 36, delete "chief executive officer" and insert "**county**
- 2 **executive**".
- 3 Page 10, line 40, delete "chief executive officer" and insert "**county**
- 4 **executive**".
- 5 Page 11, line 6, delete ",".
- 6 Page 11, line 6, delete "chief" and insert "**county executive**".
- 7 Page 11, line 7, delete "executive officer".
- 8 Page 11, line 10, delete "chief executive officer" and insert "**county**
- 9 **executive**".
- 10 Page 11, line 14, delete "chief executive officer" and insert "**county**
- 11 **executive**".
- 12 Page 11, line 16, delete "legislative body" and insert "**council**".
- 13 Page 11, line 19, delete "legislative body" and insert "**council**".
- 14 Page 11, line 19, delete "chief executive" and insert "**county**
- 15 **executive**".
- 16 Page 11, line 20, delete "officer".
- 17 Page 11, line 22, delete "legislative body" and insert "**council**".
- 18 Page 11, line 25, delete "chief executive" and insert "**county**
- 19 **executive's**".
- 20 Page 11, line 26, delete "officer's".
- 21 Page 11, line 42, delete "legislative body" and insert "**council**".
- 22 Page 12, line 8, delete "legislative body" and insert "**council**".
- 23 Page 12, line 8, delete "7" and insert "**6**".
- 24 Page 12, line 11, delete "chief executive officer" and insert "**county**
- 25 **executive**".
- 26 Page 12, line 12, delete "chief executive officer" and insert "**county**
- 27 **executive**".
- 28 Page 12, line 13, delete "chief" and insert "**county executive's**".
- 29 Page 12, line 14, delete "executive officer's".
- 30 Page 12, line 15, delete "chief" and insert "**county executive's**".
- 31 Page 12, line 16, delete "executive officer's".
- 32 Page 12, line 21, delete "Notwithstanding IC 36-2-2-1(b), the chief"
- 33 and insert "**The county**".
- 34 Page 12, line 22, delete "officer".
- 35 Page 12, line 23, delete "legislative body" and insert "**council**".
- 36 Page 12, line 26, delete "a chief executive officer" and insert "**the**
- 37 **county executive**".

1 Page 12, line 31, delete "as provided in IC 36-2-3.7." and insert "**if**
2 **IC 36-2-3.7 applies to the county.**".

3 Page 13, delete lines 6 through 42, begin a new paragraph and
4 insert:

5 "SECTION 13. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,
6 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2008]: Sec. 4. (a) **This section does not apply to a county if**
8 **IC 36-3-3.7 applies to the county.**

9 **(b)** This subsection does not apply to a county having a population
10 of:

11 (1) more than four hundred thousand (400,000) but less than
12 seven hundred thousand (700,000); or

13 (2) more than two hundred thousand (200,000) but less than three
14 hundred thousand (300,000).

15 The county executive shall, by ordinance, divide the county into four
16 (4) contiguous, single-member districts that comply with subsection
17 ~~(d)~~: **(e)**. If necessary, the county auditor shall call a special meeting of
18 the executive to establish or revise districts. One (1) member of the
19 ~~fiscal body county council~~ **county council** shall be elected by the voters of each of the
20 four (4) districts. Three (3) at-large members of the ~~fiscal body county~~
21 **council** shall be elected by the voters of the whole county.

22 ~~(b)~~ **(c)** This subsection applies to a county having a population of
23 more than four hundred thousand (400,000) but less than seven
24 hundred thousand (700,000). The county redistricting commission
25 established under IC 36-2-2-4 shall divide the county into seven (7)
26 single-member districts that comply with subsection ~~(d)~~: **(e)**. One (1)
27 member of the ~~fiscal body county council~~ shall be elected by the voters
28 of each of these seven (7) single-member districts.

29 ~~(c)~~ **(d)** This subsection applies to a county having a population of
30 more than two hundred thousand (200,000) but less than three hundred
31 thousand (300,000). The ~~fiscal body county council~~ shall divide the
32 county into nine (9) single-member districts that comply with
33 subsection (d). Three (3) of these districts must be contained within
34 each of the three (3) districts established under IC 36-2-2-4(c). One (1)
35 member of the ~~fiscal body county council~~ shall be elected by the voters
36 of each of these nine (9) single-member districts.

37 ~~(d)~~ **(e)** Single-member districts established under subsection ~~(a)~~: (b),
38 **(c)**, or ~~(c)~~ **(d)** must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

~~(c)~~ **(f)** A division under subsection ~~(a)~~, (b), (c), or ~~(c)~~ **(d)** shall be made:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

~~(f)~~ **(g)** A division under subsection ~~(a)~~, (b), (c), or ~~(c)~~ **(d)** may be made ~~in any odd-numbered year at a time~~ not described in subsection ~~(c)~~. **(f) only to make districts comply with subsection (e).**

SECTION 14. IC 36-2-3-4.6 IS ADDED TO THE INDIANA CODE AS **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.6. (a) If IC 36-2-3.7 applies to the county:**

(1) this section applies to the county; and

(2) section 4 of this chapter does not apply to the county.

(b) Except as provided in subsections (c) and (d), the county council shall divide the county into four (4) single-member districts that comply with subsection (e). If necessary, the county auditor shall call a special meeting of the county council to establish or revise districts. One (1) member of the county council shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the county council shall be elected by all the voters of the county.

(c) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (e). One (1) member of the county council shall be elected by the voters of each of these seven (7) single-member districts.

(d) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three

hundred thousand (300,000). The county council shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of the districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the county council shall be elected by the voters of each of these nine (9) single-member districts.

(e) Single-member districts established under this section must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(f) A division under this section shall be made:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(g) A division under this section may be made at a time not described in subsection (f) only to make districts comply with subsection (e)."

Delete page 14.

Page 15, delete lines 1 through 4.

Page 15, line 7, strike "fiscal body" and insert "**council**".

Page 15, line 8, strike "section 4 of".

Page 16, line 13, delete "before January".

Page 16, line 14, delete "1, 2011,".

Page 17, line 12, delete "19." and insert "10.".

Page 17, line 31, delete "IC 36-2-2.5." and insert "**IC 36-2-3.7.**".

Page 17, line 40, delete "'chief executive officer'" and insert "'**county executive**'".

Page 17, line 41, delete "chief executive officer" and insert "**county executive**".

Page 18, line 7, delete "chief executive officer" and insert "**county executive**".

Page 18, line 7, delete "county".

Page 18, line 8, delete "chief executive officer of the".

- 1 Page 18, line 8, after "county" insert "**executive**".
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 312 as reprinted January 29, 2008.)

and when so amended that said bill do pass.

Representative Pierce